

February 2, 1982

LB 649

if you cut down all the trees in your area too, it just puts us on the same footing. So I am opposed to this bill. You ought not advance it, but I know you are going to advance it. Senator Johnson, while trying to speak against your bill I have probably given you more help than anything you or Senator Koch could have said in behalf of it. But it also gave me the opportunity to get some things into the record, which I will be able to have transcribed and circulated through my community along with the discussion we just had on the bill just before this one that you killed. I don't know if it was the one just before this one but the one on the Freeway that I was concerned about. So I want to thank you for the opportunity and every time I get the chance on these bills you will be hearing from me for the rest of the session.

SENATOR CLARK: Senator Johnson, do you wish to close, please.

SENATOR V. JOHNSON: Yes, I would, Mr. Speaker. I want to close because we are engaged in an act that is unprecedented in the Legislature and that is we are in the process of suspending a rule of an executive agency, and we are doing that because your committee has held public hearings and has concluded that the rule itself exceeds the legislative intent that was behind the bill under which the rule itself is promulgated. This is not the time and place to argue the policy of LB 873, the highway bill, and we passed that bill, we did it, we duped it out on the floor, we thought it was a good bill and we passed it. The real question is whether the rule that the Highway Department has developed conforms to the legislative intent. Now I will tell you why the Administrative Rules and Regulations Review Committee concluded that it did not so do, that it did not conform to the legislative intent. If I can find my statutes.... LB 873 said this, it said, we are going to have a new road classification for scenic recreation roads and these are roads that are deemed to be environmentally fragile, esthetically important or serve some type of recreational and other beneficial need to folk. We said in LB 783 (sic), "except for scenic recreation roads standards, except for those standards, such standards for other roads shall be such as to assure that each segment of highway, road or street will satisfactorily meet the requirements of the area it serves and the traffic patterns and volumes which it may reasonably be expected to bear. The standards for a scenic recreation road and highway classification shall ensure a minimal amount of environmental disruption practicable in the design, construction and maintenance of such highway, roads and streets by the use of less restrictive more flexible

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